

Exhibit C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION
CIVIL NO.: 4:18-cv-4229

ILA LaFRENTZ, JIM LaFRENTZ,
KATHERINE PORTERFIELD, and
WILLIAM LaFRENTZ, Individually
and as Representatives of the Estate
of JAMES LaFRENTZ,

PLAINTIFFS

vs.

3M COMPANY, ET AL.,

DEFENDANTS.

Report of Philip D. Eitzman, Ph.D., Ila LaFrentz, et al. vs. 3M Company, et al.

This report represents my opinions relating to the case of Ila LaFrentz, Jim LaFrentz, Katherine Porterfield and William LaFrentz, Individually and as Representatives of the Estate of James LaFrentz vs. 3M Company, et al., in United States District Court in the Southern District of Texas (Civil No. 4:18-cv-4229). My opinions are based on the available information that I have reviewed to-date. In the event that I am provided with additional information, I may have additional or supplemental opinions.

I am currently an employee of 3M Company and have been continuously employed by 3M since 1991. My current assignment is as a Division Scientist in the Personal Safety Division (PSD). Since 1994, I have worked on many aspects of the development and production of 3M disposable respirators, including filter media development, respirator design, manufacturing equipment design and quality control. I hold numerous patents related to respirator filter media and disposable respirator design. I received a B.S.Ch.E. in Chemical Engineering from the University of Florida in 1986. I received a Ph.D. in Chemical Engineering from the University of Minnesota in 1992.

My opinions are based on my education, training and experience and on my review of various 3M documents and data, the testimony and opinions of various 3M lay and expert witnesses, scientific publications, texts and studies, the pleadings and other documents and evidence in this case.

The complaint in this case alleges that James LaFrentz, deceased, was exposed to airborne asbestos while working as a machinist at a General Dynamics aircraft plant located in Fort Worth, Texas. According to Mr. LaFrentz's testimony in deposition, the work that resulted in his alleged exposure involved drilling and sanding samples of aircraft panels or "coupons" in preparation for tests conducted by other employees of

General Dynamics. In further testimony, he indicated that his alleged exposure to airborne asbestos resulted from his preparation of coupons that occurred sometime between 1979 and 1982. Mr. LaFrentz testified that he wore 3M 8710 respirators while preparing coupons during this time except for a period of one or two weeks in 1979.

It is my opinion that government-approved 3M respirators, such as the 3M 8710, could have been used as part of a properly-run respiratory protection program to reduce workers' exposure to various dusts. It is also my opinion that 3M has provided instructions for effective fit tests and user seal checks for its government-approved disposable respirators, including the 3M 8710. If Mr. LaFrentz's employer was following applicable OSHA regulations, including requirements for monitoring the workplace, for the selection of respiratory protection equipment and proper training of workers, and that program included the 3M 8710 respirator it is my opinion that his exposure to asbestos dust would have been reduced to below the permissible exposure limit (PEL). In 1986, OSHA regulations changed and no longer allowed the use of single-use respirators, which includes the 3M 8710 respirator, to reduce workers' exposure to airborne asbestos.

It is my opinion that the manufacturing processes and quality control procedures used by 3M in the manufacture of the NIOSH-approved 3M respirators, such as the 3M 8710, were reasonable and met all requirements of the respirators' approval under 30 CFR 11. I may testify about the design and manufacture of the NIOSH-approved 3M respirators and their component parts. I may also testify regarding the quality control systems and quality control practices used by 3M in the manufacture of 3M respirators.

I expect to testify about the testing of 3M disposable respirators per the requirements of 30 CFR 11, including the testing of those respirators with silica dust aerosol. My testimony regarding 30 CFR 11 may include the respirator approval process and the specific requirements for the approval of single-use dust masks.

In my opinion 3M 8710 respirators and other approved 3M respiratory protection equipment were and are appropriately designed and reasonably safe for their intended uses.

I may offer additional testimony concerning any issue raised by other experts or any other party in this case or any other relevant documents that become available, provided those opinions are within my fields of expertise.

My opinions expressed in this report are also based on case-specific materials provided to me which included the following:

1. Deposition transcript of James LaFrentz, taken 11/14/2018;
2. Deposition transcript of James LaFrentz, taken 11/15/2018;
3. Exhibits to the depositions of James LaFrentz;
4. Plaintiffs' Third Supplemental Rule 26(A) Disclosure;

5. Expert Report of Darell Bevis;
6. Expert Report of Ken Garza;
7. Plaintiffs' Second Amended Complaint

Dated: August 13, 2020



Philip D. Eitzman, Ph.D.

Deposition and Trial Testimony of Philip D. Eitzman, Ph. D.

Testimony:	Expert/30(b)6	Date:	Case:
Deposition	Expert	8/12/2020	<i>Larry L. Roemmich and Gloria Roemmich, Husband and Wife</i> Case No. 20-2-00926-1-KNT Superior Court of Washington, King Coun
Deposition	Expert	1/23/2020	<i>Alfred M. Burton v. 3M Company, et al.</i> Case No. 19-2-17070-1-KNT Superior Court of Washington for King County
Deposition	30(b)6	1/9/2020	<i>Alfred M. Burton v. 3M Company, et al.</i> Case No. 19-2-17070-1-KNT Superior Court of Washington for King County
Deposition	30(b)6	5/30/2019	<i>Valerie Jean Culver as Personal Representative of the Estate of Robert D. Larson, Deceased and Bessie Jean Larson v. 3M Company, et al</i> Case No: 18-2-03806-5-SEA Superior Court of Washington for King County & <i>Wayne Wright, Individually and as Personal Representative for the Estate of Warren Wright, Deceased</i> Case No: 18-2-2204-5-SEA Superior Court of Washington for King County
Deposition	30(b)6	5/29/2019	<i>Valerie Jean Culver as Personal Representative of the Estate of Robert D. Larson, Deceased and Bessie Jean Larson v. 3M Company, et al</i> Case No: 18-2-03806-5-SEA Superior Court of Washington for King County & <i>Wayne Wright, Individually and as Personal Representative for the Estate of Warren Wright, Deceased</i> Case No: 18-2-2204-5-SEA Superior Court of Washington for King County
Deposition	Expert	4/29/2019	<i>Randolph Morton and Edna Morton v. 3M Company</i> Case No. 702643 Superior Court of the State of California, County of Los Angeles
Trial	Expert	4/11/2019	<i>Richard W. Lewis and Diane J. Lewis v. 3M Company, et al</i> Case 18-2-09747-4 Superior Court of Washington for Pierce County
Deposition	30(b)6	2/21/2019	<i>Richard W. Lewis and Diane J. Lewis v. 3M Company, et al</i> Case 18-2-09747-4 Superior Court of Washington for Pierce County
Deposition	Expert	2/12/2019	<i>Richard W. Lewis and Diane J. Lewis v. 3M Company, et al</i> Case 18-2-09747-4

Deposition and Trial Testimony of Philip D. Eitzman, Ph. D.

			Superior Court of Washington for Pierce County
Deposition	Expert	1/30/2019	<i>Terry Coleman, et al., v. 3M Company</i> Case No. 16-CI-238 <i>David Allen, et al., v. 3M Company</i> Case No. 16-CI-159 Knott County Circuit Court
Trial	Expert	12/12/2018	<i>Ida McCarthy, as Personal Representative</i> <i>of the Estate of Gerald T. McCarthy</i> Case No. 15-5621 Commonwealth of Massachusetts, Middlesex Superior Court
Deposition	Expert	10/31/2018	<i>Ida McCarthy, as Personal Representative</i> <i>of the Estate of Gerald T. McCarthy</i> Case No. 15-5621 Commonwealth of Massachusetts, Middlesex Superior Court
Deposition	30(b)6	5/23/2018	<i>Ida McCarthy, as Personal Representative</i> <i>of the Estate of Gerald T. McCarthy</i> Case No. 15-5621 Commonwealth of Massachusetts, Middlesex Superior Court
Trial	Expert	10/5/2018	<i>John Rothenbecker v. 3M Company</i> Case No. 3:17 – CV-585 United States District Court, Middle District Court of Pennsylvania
Deposition	Expert	6/12/2018	<i>David Allen, et al (Jerry Terry) v. 3M Company</i> Case No.16-CI-00159 Commonwealth of Kentucky, Knott Circuit Court
Deposition	30(b)6	5/23/2018	<i>Ida McCarthy, as Personal Representative</i> <i>of the Estate of Gerald T. McCarthy</i> Case No. 15-5621 Commonwealth of Massachusetts, Middlesex Superior Court
Trial	Expert	4/18/2018 and 4/20/2018	<i>Burnis Hall, et al (Leslie Cox and Michael Cox) v. 3M Company</i> Case No. 16-CI-00100 Commonwealth of Kentucky, Knott Circuit Court
Deposition	Expert	2/16/2018	<i>Fred Williams v. 3M Company</i> Case No. 16-CI-01061 Commonwealth of Kentucky, Knott County
Trial	Expert	2/1/2018	<i>Angel Rigor v. 3M Company</i> Case No. BC660976 Superior Court of the State of California, County of Los Angeles
Deposition	Expert	1/31/2018	<i>Angel Rigor v. 3M Company</i> Case No. BC660976

Deposition and Trial Testimony of Philip D. Eitzman, Ph. D.

			Superior Court of the State of California, County of Los Angeles
Deposition	Expert	1/9/2018	<i>Burnis Hall, et al (Leslie Cox and Michael Cox) v. 3M Company</i> Case No. 16-CI-00100 Commonwealth of Kentucky, Knott Circuit Court
Deposition	30(b)6	12/13/2017	<i>Angel Rigor v. 3M Company</i> Case No. BC660976 Superior Court of the State of California, County of Los Angeles
Trial	Expert	9/15/2017 and 9/19/2017	<i>Isaac Overbee v. 3M Company</i> Case No. 16-CI-00313 County of Kentucky, Knott Circuit Court
Deposition	30(b)6	6/22/2017	<i>Isaac Overbee v. 3M Company</i> Case No. 16-CI-00313 County of Kentucky, Knott Circuit Court
Deposition	Expert	3/22/2017	<i>Shirley Broussard v. 3M Company</i> Case: 1:16-CV-00462-SHE United States District Court Eastern District of California
Deposition	Expert	2/13/2017	<i>Walter Readwin v. 3M Company, et al</i> 16-2-18894-0 SEA Superior Court of Washington County of King
Deposition	30(b)6	1/25/2017	<i>Walter Readwin v. 3M Company, et al</i> 16-2-18894-0 SEA Superior Court of Washington County of King
Deposition	Expert	9/14/2016	<i>Stanley McFadden v. 3M Company</i> Case No. 4:14-CV-00803 United States District Court Eastern District of Missouri, Eastern Division
Trial	Expert	8/2016	<i>Fred Hill, et al. (Estate of Marion Russell Reynolds)</i> Case No. 05-C1-00589 Commonwealth of Kentucky, Perry Circuit Court
Deposition	Expert	7/19/2016	<i>Van Michael Parker v. 3M Company</i>

Deposition and Trial Testimony of Philip D. Eitzman, Ph. D.

			Case No. 15-369-NJR-PMF United States District Court, Southern District of Illinois
Deposition	Expert	6/29/2016	<i>Van Michael Parker v. 3M Company</i> Case No. 15-369-NJR-PMF United States District Court, Southern District of Illinois
Deposition	Expert	2/26/2016	<i>Elsa Clementir v. 3M Company, et al</i> BC506479 Los Angeles County
Deposition	30(b)6	11/25/2015	<i>Edward Mozingo v. 3M Company, et al</i> 2013-69-CV6 Jones County
Trial	Expert	5/19/2015	<i>Jessie Gray v. 3M Company, et al</i> 13-PL-CC00036 Pike County
Deposition	Expert	2/24/2015	<i>Jessie Gray v. 3M Company, et al</i> 13-PL-CC00036 Pike County
Deposition	30(b)6	1/21/2015	<i>Gerald R. Boyd v. 3M Company, et al</i> RG-14-738647 Alameda County
Deposition	30(b)6	1/20/2015	<i>Gerald R. Boyd v. 3M Company, et al</i> RG-14-738647 Alameda County
Deposition	Expert	11/4/2014	<i>Fred Hill, et al v. 3M Company, et al</i> 05-CI-00589 Perry Circuit Court
Deposition	30(b)6	6/11/2014	<i>Jerry Clanton v. 3M Company, et al</i> 251-12-720-CIV Circuit Court of Hinds County

*Dr. Eitzman is an employee of 3M Company, there is no charge for his testimony.

PHILIP D. EITZMAN, PH.D.

EDUCATION

1982 - 1986 University of Florida Gainesville, FL
B.S.Ch.E. in Chemical Engineering

1986 - 1992 University of Minnesota Minneapolis, MN
Ph.D. in Chemical Engineering

PROFESSIONAL EXPERIENCE

1976 - 1982 US Navy
Nuclear Power Operator

- Served on USS Memphis (SSN-691)

1991 - 1994 3M Bioapplications Laboratory
Product Development Engineer

- Development and scale-up of biosupports for chromatography and biocatalysis

1994 - 2006 3M Occupational Health and Environ. Safety Laboratory
Maintenance-Free Respirator Laboratory Group Leader

- Development of filter media for respiratory protection
- Development of disposable respirators for global markets

2006 – February, 2009 3M Occupational Health and Environ. Safety Division
Six Sigma Black Belt

- Improvement of existing business and manufacturing processes in the 3M Occupational Health and Environ. Safety Division

February, 2009 – April, 2017 3M Personal Safety Division
Senior Product Development Specialist

- Development of disposable respirators for global markets

April, 2017 - present 3M Personal Safety Division
Division Scientist

- Development of disposable respirators for global markets
- Company-wide innovation

PATENTS AND PUBLICATIONS

Patents

- US Patent 6,824,718 "Process of making a fibrous electret web"
- US Patent 6,454,986 "Method of charging respirator filter fibrous web using a non-aqueous polar liquid"
- US Patent 6,406,657 "Method of charging fibrous web with aqueous polar liquid"
- US Patent 6,375,886 "Method of charging non-conductive free fibers"
- US Patent 5,614,105 "Cartridge filters with insoluble enzyme particulates contained thereon"
- US Patent 5,478,466 "New filter element for chemical conversions"
- US Patent 5,468,847 "Method of isolating and purifying a biomacromolecule"

Publications

- Johnson PR, Stern NJ, Eitzman PD, Rasmussen JK, Milbrath DS, Gleason RM and Hogancamp RE, "Reproducibility of physical characteristics, protein immobilization and chromatographic performance of 3M Emphaze Biosupport Medium AB1", *Journal of Chromatography*, 1994, vol 667, pp 1-9.
- Eitzman PD and Srien F, "Dynamics of activation of galactose-inducible promoter in *Saccharomyces cerevisiae*", *Journal of Biotechnology*, 1991, vol 21, pp 63-82.
- Block DE, Eitzman PD, Wangenstein JD and Srien F, "Slit scanning of *Saccharomyces cerevisiae* cells: Quantification of asymmetric cell division and cell cycle progression in asynchronous culture", *Biotechnology Progress*, 1990, vol 6, pp 504-512
- Eitzman PD, Hendrick JL and Srien F, "Quantitative immunofluorescence in single *Saccharomyces cerevisiae* cells", *Cytometry*, 1989, vol 10, pp 475-483.
- Stainsby WN and Eitzman PD, "Roles of CO₂, O₂ and acid in arteriovenous [H⁺] during muscle contractions", *Journal of Applied Physiology*, 1988, vol 65, pp 1803-1810.
- Stainsby WN, Sumners C and Eitzman PD, "Effects of adrenergic agonists and antagonists on muscle O₂ uptake and lactate metabolism", *Journal of Applied Physiology*, 1987, vol 62, pp 1845-1851.
- Stainsby WN and Eitzman PD, "Lactic acid output of cat gastrocnemius-plantaris during repetitive twitch contractions", *Medicine and Science in Sports and Exercise*, 1986, vol 18, pp 668-673.
- Stainsby WN, Sumners C and Eitzman PD, "Effects of catecholamines on lactic acid output during progressive working contractions", *Journal of*

Applied Physiology, 1985, vol 59, pp 1809-1814.

Presentations related
to respiratory
protection

P. Eitzman(presenter), L. Barrett, J. Huberty, A. Viner, "A Comparison
of 30 CFR 11 and 42 CFR 84 Certification Tests for Particulate
Respirators." American Industrial Hygiene Conference and
Exhibition, 1996, Washington, DC.